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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,877	03/30/2004	Teresa Mead	017242-010500US	5757

20350 7590 03/30/2007
TOWNSEND AND TOWNSEND AND CREW, LLP
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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/30/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/813,877

Applicant(s)

MEAD ET AL.

Examiner

Joseph F. Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 20-22, 24, 25, 28-31, 36-40, 42 and 43 is/are pending in the application.
- 4a) Of the above claim(s) 26 and 27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 20-22, 24, 31, 36-40, 42, 43 and 2528 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 20, 21, 24, 25, 31, 36, 40, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Publication No. 20020042953 A1 to Matthews Brown in view of U.S. Patent No. 6,553,590 B1 to Leach.

Matthews Brown discloses a holding device is basically the same as that recited in claims 20, 21, 24, 25, 31, 36, 40, 42, and 43 except that the pillow body lacks a holding strap, as recited in the claims. See Figure 8 of Matthews Brown for the teaching that the holding device has a pillow body 60 with a medial region 64 and two opposed curved arms 66, 68 extending from the medial region defining an inner well region (see page 3, paragraph 37), a seat 72 coupled to the pillow and disposed within the well region and sewn to the arms and medial region (see page 4, paragraph 42), and a fabric shell (see page 3, paragraph 31) encasing a filling material to form the pillow wherein a baby's feet are permitted to hang from the seat. Leach shows a holding device similar to that of Matthews Brown wherein the holding device has a pillow body 10 (see Fig. 1) with a medial region and two opposing curved arms, and a securing system 12 operably coupled to the pillow body such that the securing system has a

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center holding strap 14 configured to be placed between a baby's legs so as to extend over at least a portion of the baby's torso and be operably coupled directly to the opposing arms via free ends to hold the baby within the well region, the center holding strap is sized to cover the front of the baby lower torso and crotch region, connectors 36 (see Fig. 2) located on the curved arms are connectable to mating connectors on the center holding strap 20, the center strap inherently permits the baby's feet to hang, and the connectors are hook and loop fasteners.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the holding device of Matthews Brown such that the securing system has a center holding strap extending from the seat that is configured to be placed between a baby's legs so as to extend over at least a portion of the baby's torso and be operably coupled directly to the opposing arms via free ends to hold the baby in the seat within the well region, the center holding strap is sized to cover the front of the baby lower torso and crotch region, connectors located on the curved arms are connectable to mating connectors on the center holding strap, the center strap is coupled to the seat at a location to permit the baby's feet to hang from the seat, and the connectors are hook and loop fasteners, such as the holding device disclosed by Leach. One would have been motivated to make such a modification in view of the suggestion in Leach that the specified holding strap allows for an adjustable baby restraint.

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3. Claims 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews Brown in view of Leach as applied to claims 20, 21, 24, 25, 31, 36, 40, 42, and 43 above, and further in view of U.S. Patent No. 2,848,040 to Chernivsky.

Matthews Brown discloses a holding device that is basically the same as that recited in claims 22 except that the connectors are not specified as buckle connectors, as recited in the claims. Chernivsky shows a holding device similar to that of Matthews Brown wherein the device has a securing system (see Fig. 3) with a center holding strap 36,40 including buckle connectors 38. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the holding device of Matthews Brown such that the connectors comprise buckle connectors, such as the holding device disclosed by Chernivsky. One would have been motivated to make such a modification in view of the suggestion generally available to one of ordinary skill in the art that buckle connectors are conventional connectors to secure holding straps in baby holding devices.

4. Claims 28-30 and 37-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews Brown in view of Leach as applied to claims 20, 21, 24, 25, 31, 36, 40, 42, and 43 above, and further in view of U.S. Patent No. 5,546,620 to Matthews.

Matthews Brown discloses a holding device that is basically the same as that recited in claims 28-30 and 37-39 except that the dimensions of the medial region, the arms, and the well region are not specified, as recited in the claims. Matthews shows a holding device similar to that of Matthew Brown wherein the holding device has a pillow

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body 12 (see Fig. 1) with a medial region 14 and two opposed curved arms 16,18 extending from the medial region defining an inner well region, a seat 42 coupled to the pillow and disposed within the well region, the medial region has a height ranging from 1 to 10 inches and a width ranging from 4 to 10 inches, the arms have a height ranging from 1 to 6 inches, a width ranging from 4 to 10 inches, and a length ranging from 10 to 20 inches, and the well region has a width ranging from 4 to 12 inches and a length ranging from 4 to 12 inches (see column 3, lines 1-32). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the holding device of Matthews Brown such that that the medial region has a height ranging from 1 to 10 inches and a width ranging from 4 to 10 inches, the arms have a height ranging from 1 to 6 inches, a width ranging from 4 to 10 inches, and a length ranging from 10 to 20 inches, and the well region has a width ranging from 4 to 12 inches and a length ranging from 4 to 12 inches, such as the holding device disclosed by Matthews. One would have been motivated to make such a modification in view of the suggestion in Matthews that the dimensions set forth provide a tapering well region that desirably supports the baby in one or more predetermined positions.

Moreover, modifying the dimensions of the medial region, the arms, and the well region would have been obvious at the time of Applicant's invention because the use of optimal workable ranges discovered by routine experimentation is ordinarily within the skill of the art. Further, it would have been an obvious matter of design choice to modify the dimensions of the medial region, the arms, and the well region since the Applicant has not disclosed that having the specific dimensions solve any stated problem or is for

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any particular purpose and it appears that the holding device would perform equally well with an well known dimensions used in the art.

Response to Arguments

5. Applicant's arguments with respect to claims 20-22, 24, 25, 28-31, 36-40, 42, and 43 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

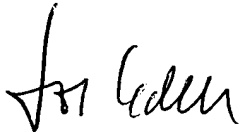
6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Joe Edell". The signature is stylized with a large initial "J" and a cursive "Edell".

Joe Edell
March 28, 2007